S.B.Cr.Misc. Bail App. No.4075/2007

(Thana Ram vs. State of Rajasthan)

Date of order : August 23, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Pradeep Shah, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers. I have carefully gone through the statements of the prosecutrix.

It is contended by the learned counsel for the petitioner that as per the statement of star eye-witness Rani alias Anchi, injury to the skull has been caused by co-accused Ramudi. He has invited my attention to the postmortem report from which learned counsel submits that injury on the skull has been assigned to co-accused Ramudi. Learned counsel for the petitioner further submits that this witness stated that the petitioner was present with a thin lathi but no specific injury has been assigned to the present petitioner. Learned counsel submits that co-accused Ramudi and Prem Singh have already been enlarged on bail.

Having regard to the facts and circumstances of the case and the fact that the head injury has been assigned to co-accused Ramudi, without commenting on the merit of the case, which may prejudice the case of either party at the trial, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Thana Ram s/o Kehna Ram be released on bail in FIR No.41/2005, P.S. Gida, Distt. Barmer provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-